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CENTRAL FAX CENTER09/368,433  
DOCKET NO. YOR919980205US2

13

NOV 22 2006

**REMARKS**

Applicant again gratefully acknowledges the Examiner's helpful comments that he provided to Applicant during a telephone interview conducted on August 16, 2006.

Applicant notes that the claim amendments herein are made based on the Examiner's comments in the interview. Applicant again notes that the Examiner indicated that these claim amendments would overcome the cited references and may place the Application in condition for allowance.

Claims 1-30 are all the claims presently pending in the application. Claims 1, 3-13, 18-19 and 24-30 have been amended to more clearly define the invention.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 5-6, and 11-13 stand rejected under the doctrine of obviousness-type double patenting over claims 1 and 3-7 of U. S. Patent No. 6,005,603 (hereinafter "the '603 patent"), in view of Kwoh (U. S. Patent No. 6,115,057) and Ming et al. (U. S. Patent No. 5,710,815).

Claims 1-7, 9-26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan et al. (U. S. Patent No. 5,892,536) in view of Ming. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Logan in view of Ming, and further in view of either Menard et al. (U. S. Patent No. 6,061,056) or Fernandez et al. (U. S. Patent No. 6,697,103).

Claims 27-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Logan in view of Ming, and further in view of Birdwell et al. (U. S. Patent No. 6,108,706).

These rejections are respectfully traversed in view of the following discussion.

**I THE CLAIMED INVENTION**

The claimed invention (e.g., as recited, for example, in claim 1) is directed to a segment announcement receiver which includes a receiver section that receives a plurality of announcements. Each of the plurality of announcements corresponds to a content being provided on one or more content streams, and the plurality of announcements are created by

09/368,433  
DOCKET NO. YOR919980205US2

14

a plurality of announcers which are other than a broadcaster of the one or more content streams and include: a description about the corresponding content in the one or more of the content streams, a time at which the corresponding content is transmitted on the signal, and a content identifier.

The receiver further includes a filter record including a plurality of actions corresponding to an announcement type, content stream type, and announcer identification, the plurality of actions including at least one user preference for altering a presentation of the one or more content streams, and a controller that compares an announcement type for an announcement in the plurality of announcements with the announcement type in the filter record, compares an announcer identification for the announcement with the announcer identification in the filter record, and compares a content stream type for the one or more content streams with the content stream type in the filter record; and if the announcement type for the announcement matches the announcement type in the filter record, the announcer identification for the announcement matches the announcer identification in the filter record, and the content stream type for the one or more content streams matches the content stream type in the filter record, selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference (Application at Figure 4; page 11, line 8-page 13, line 9).

In conventional systems, there is a limited amount of automatic control that a user has over his television based on the content of information being received by the television (Application at page 2, lines 4-6).

The claimed invention, on the other hand, includes a controller that compares an announcement and the filter record and, if an announcement type, announcer identification, and content stream type for the announcement, match an announcement type, announcer identification, and content stream type in the filter record, selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference (Application at Figure 4; page 11, line 8-page 13, line 9).

This helps the claimed invention to provide a user with control over his television based on the content of information being received by the television.

## II. THE OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

The Examiner alleges that claims 1 and 3-7 of the '603 patent would have been

09/368,433

15

DOCKET NO. YOR919980205US2

combined with Kwoh and Ming to form the invention of claims 1, 5-6, and 11-13. However, Applicant submits that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Claims 1 and 3-7 of the '603 patent are directed to a segment announcement receiver, a segment announcement system, a closed circuit transmission system, and a process including receiving one or more content streams and receiving one or more announcements.

Kwoh discloses an apparatus and method for allowing rating level control of the viewing of a program (Kwoh at Abstract).

Ming discloses an encoder apparatus and decoder apparatus for a television signal having embedded viewer access control data (Ming at Abstract).

However, Applicant submits that these alleged references would not have been combined as alleged by the Examiner. Indeed, these references are unrelated and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. In fact, contrary to the Examiner's allegations, none of these references teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, Applicant submits that neither claims 1 and 3-7 of the '603 patent, nor Kwoh, nor Ming teach or suggest a receiver including "a controller that: *compares an announcement type for an announcement in said plurality of announcements with said announcement type in said filter record, compares an announcer identification for said announcement with said announcer identification in said filter record, and compares a content stream type for said one or more content streams with said content stream type in said filter record; and if said announcement type for said announcement matches said announcement type in said filter record, said announcer identification for said announcement matches said announcer identification in said filter record, and said content stream type for said one or more content streams matches said content stream type in said filter record, selects a corresponding action from said plurality of actions to alter said presentation in*

09/368,433

16

DOCKET NO. YOR919980205US2

*accordance with said at least one user preference*", as recited in claim 1 and similarly recited in claims 5, 6, 11, 12 and 13.

Clearly these features are not taught or suggested by the cited references. Indeed, with respect to claims 1 and 3-7 of the '603 patent, Applicant notes that even assuming (arguendo) that claims 1, 3 and 5 disclose a controller, nowhere do the claims teach or suggest that the controller may include the features of the claimed invention (e.g., compare, an announcement type, an announcer identification, a content stream type, etc.) as noted above.

Further, as noted above, Kwoh discloses an apparatus and method for allowing rating level control of the viewing of a program. The apparatus includes parental control circuitry 40 which includes command controller 36 (Kwoh at Figures 1 and 2). However, nowhere does Kwoh teach or suggest that the command controller 36 includes a controller that, if an announcement type, announcer identification, and content stream type for the announcement, match an announcement type, announcer identification, and content stream type in the filter record, selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference (e.g., see Kwoh at col. 3, line 52-col. 5, line 19).

Further, as noted above, Ming discloses an encoder apparatus and decoder apparatus for a television signal having embedded viewer access control data. Specifically, Ming teaches that the decoder apparatus compares the program category code embedded in a television program with a user category code indicating at least one of the attributes of programming content for which the user has elected to preclude receipt of television programming (Ming at col. 22, line 52-col. 24, line 22). However, nowhere does Ming teach or suggest that the decoder apparatus includes a controller that compares an announcement with the filter record and, if an announcement type, announcer identification, and content stream type for the announcement, match an announcement type, announcer identification, and content stream type in the filter record, selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference.

Therefore, clearly Kwoh and Ming do not make up for the deficiencies of the '603 patent. Therefore, the Examiner is respectfully requested to withdraw this rejection.

RECEIVED  
CENTRAL FAX CENTER09/368,433  
DOCKET NO. YOR919980205US2

17

NOV 22 2006

### III. THE ALLEGED PRIOR ART REFERENCES

#### A. Logan and Ming

The Examiner alleges that the Logan would have been combined with Ming to form the invention of claims 1-7, 9-26, and 29. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

Logan discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the content of a broadcast programming signal.

Ming discloses an encoder apparatus and decoder apparatus for a television signal having embedded viewer access control data (Ming at Abstract).

However, Applicant submits that these alleged references would not have been combined as alleged by the Examiner. Indeed, these references are unrelated and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. In fact, contrary to the Examiner's allegations, none of these references teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Logan, nor Ming, nor any alleged combination thereof teaches or suggests *"a controller that: compares an announcement type for an announcement in said plurality of announcements with said announcement type in said filter record, compares an announcer identification for said announcement with said announcer identification in said filter record, and compares a content stream type for said one or more content streams with said content stream type in said filter record; and if said announcement type for said announcement matches said announcement type in said filter record, said announcer*

09/368,433  
DOCKET NO. YOR919980205US2

18

*identification for said announcement matches said announcer identification in said filter record, and said content stream type for said one or more content streams matches said content stream type in said filter record, selects a corresponding action from said plurality of actions to alter said presentation in accordance with said at least one user preference", as recited in claim 1 and similarly recited in claims 5, 6, 11, 12 and 13.*

For example, in an exemplary embodiment as illustrated in Figure 4 of the Application, a filter record 400 may include rows 450-454 which constitute a user preference for how announcements should be processed. The rows 450-454 may include fields including an announcement type field, content stream ID field 415, and an announcer ID field 420 (Application at page 11, lines 8-21).

Clearly, these features are not taught or suggested by Logan.

Indeed, the Examiner attempts to equate the processor 34, database 60 segment processor 62 and segment filter 64 in Logan (e.g., see Figure 3) with the controller of the claimed invention. However, this is clearly unreasonable.

Indeed, Logan states that the database memory 60 can store user selected topic data signals that represent user preferred topics. Logan simply states that the processor 34 can activate the selection controller to compare the topic data signals stored in database 60 with the topic codes provided by the marking signal, to thereby identify segments of the broadcast programming signal that contain information on topics selected by the user (Logan at col. 9, lines 26-29).

Thus, Logan simply teaches that the selection controller compares topic data signals with topic codes. Nowhere does Logan teach or suggest a controller that compares an announcement with the filter record and, if an announcement type, announcer identification, and content stream type for the announcement, match an announcement type, announcer identification, and content stream type in the filter record, selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference. Thus, Logan is completely unrelated to the claimed invention.

Likewise, Ming does not teach or suggest these features.

Indeed, as noted above, Ming simply teaches an encoder apparatus and decoder apparatus for a television signal having embedded viewer access control data (Ming at Abstract). Nowhere does Ming teach or suggest a controller that compares an announcement with the filter record. Ming clearly does not teach or suggest comparing an announcement

09/368,433

19

DOCKET NO. YOR919980205US2

type, announcer identification, and content stream type for the announcement and filter record, and certainly does not teach or suggest that if there is a match, the controller selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference.

Thus, Ming clearly does not make up for the deficiencies of Logan.

Therefore, Applicant respectfully submits that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**B. Menard, Fernandez and Birdwell**

The Examiner alleges that the Logan and Ming would have been further combined with Menard or Fernandez to form the invention of claim 8, and with Birdwell to form the invention of claims 27-28 and 30. Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Menard discloses a system for monitoring broadcast signals to detect content which may be of interest to individual viewers (col. 1, lines 7-9) and specifically directed to automating that process (col. 1, lines 24-36). In particular, Menard discloses a system which stores a profile database and automatically compares the content being received with the profile database and alerting a viewer if a match is detected (col. 1, line 66 - col. 2, line 18).

Fernandez is specifically directed to the completely different and unrelated problems of remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. (Col. 1, lines 1 - 50).

Birdwell discloses a transmission announcement system which includes an announcement server that makes announcements available to clients over the broadcast network or over a secondary link (Birdwell at Abstract).

However, Applicant submits that these alleged references would not have been combined as alleged by the Examiner. Indeed, these references are unrelated and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion

09/368,433  
DOCKET NO. YOR919980205US2

20

in the references to urge the combination as alleged by the Examiner. In fact, contrary to the Examiner's allegations, none of these references teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Logan, nor Ming, nor Menard, nor Fernandez, nor Birdwell, nor any alleged combination thereof teaches or suggests *"a controller that: compares an announcement type for an announcement in said plurality of announcements with said announcement type in said filter record, compares an announcer identification for said announcement with said announcer identification in said filter record, and compares a content stream type for said one or more content streams with said content stream type in said filter record; and if said announcement type for said announcement matches said announcement type in said filter record, said announcer identification for said announcement matches said announcer identification in said filter record, and said content stream type for said one or more content streams matches said content stream type in said filter record, selects a corresponding action from said plurality of actions to alter said presentation in accordance with said at least one user preference"*, as recited in claim 1 and similarly recited in claims 5, 6, 11, 12 and 13.

As noted above, in an exemplary embodiment as illustrated in Figure 4 of the Application, a filter record 400 may include rows 450-454 which constitute a user preference for how announcements should be processed. The rows 450-454 may include fields including an announcement type field, content stream ID field 415, and an announcer ID field 420 (Application at page 11, lines 8-21).

Clearly, these features are not taught or suggested by Menard.

Indeed, as noted above, Menard simply discloses a system for monitoring broadcast signals to detect content which may be of interest to individual viewers (col. 1, lines 7-9) and specifically directed to automating that process (col. 1, lines 24-36). Nowhere does Menard teach or suggest a controller that compares an announcement with the filter record. Ming clearly does not teach or suggest comparing an announcement type, announcer identification, and content stream type for the announcement and filter record, and certainly does not teach or suggest that if there is a match, the controller selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user

09/368,433  
DOCKET NO. YOR919980205US2

21

preference.

Further, as noted above, Fernandez simply remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. (Col. 1, lines 1 - 50). Nowhere does Fernandez teach or suggest a controller that compares an announcement with the filter record. Fernandez clearly does not teach or suggest comparing an announcement type, announcer identification, and content stream type for the announcement and filter record, and certainly does not teach or suggest that if there is a match, the controller selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference.

Further, as noted above, Birdwell simply discloses a transmission announcement system which includes an announcement server that makes announcements available to clients over the broadcast network or over a secondary link (Birdwell at Abstract). Nowhere does Birdwell teach or suggest a controller that compares an announcement with the filter record. Birdwell clearly does not teach or suggest comparing an announcement type, announcer identification, and content stream type for the announcement and filter record, and certainly does not teach or suggest that if there is a match, the controller selects a corresponding action from the plurality of actions to alter the presentation in accordance with the at least one user preference.

Thus, neither Menard, nor Fernandez, nor Birdwell make up for the deficiencies of Logan and Ming.

Therefore, Applicant respectfully submits that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-30, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed

RECEIVED  
CENTRAL FAX CENTER

NOV 22 2006

09/368,433  
DOCKET NO. YOR919980205US2

22

below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: 11/22/06

Respectfully Submitted,

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing was filed by facsimile with the United States Patent and Trademark Office, Examiner Sun P. Huynh, Group Art Unit # 2611 at fax number (571) 273-8300 this 22<sup>nd</sup> day of November, 2006.

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